

**UNITED STATES COURT OF APPEALS FOR THE  
FEDERAL CIRCUIT**

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**EXPRESS MOBILE, INC.,**  
*Appellant*

**v.**

**FACEBOOK, INC., ATCLASSIAN CORP. PLC, ATCLASSIAN, INC., EXPEDIA,  
INC., HOMEAWAY.COM, INC., PINTEREST, INC., SQUARESPACE, INC.,  
WIX.COM, LTD, WIX.COM, INC., GOOGLE LLC,**  
*Appellees*

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2024-1192

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Appeal from the United States Patent and Trademark Office,  
Patent Trial and Appeal Board in Nos.  
IPR2021-01457, IPR2022-00783, IPR2022-00791

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**DOCKETING STATEMENT**

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This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing. All questions must be answered or the statement will be rejected.

**Filing Party/Entity:** Google LLC (“Appellee”)

**Case Origin:** U.S. Patent and Trademark Office, Patent Trial and Appeal Board

**Originating Number:** IPR2021-01457, IPR2022-00783, IPR2022-00791

**Type of Case:** Patent, Inter Partes Review

**Relief sought on appeal:** Appellee seeks affirmance of the Patent Trial and Appeal Board's determination that claims 1, 2, 5–7, 11, and 12 of U.S. Patent 9,928,044 (“the ’044 patent”) are unpatentable over the prior art.

**Relief awarded below (if damages, specify):** The Patent Trial and Appeal Board (“the Board”) ruled that claims 1, 2, 5–7, 11, and 12 of the ’044 patent are unpatentable over the prior art.

**Briefly describe the judgment/order appealed from:** The Board concluded that claims 1, 2, 5–7, 11, and 12 of the ’044 patent are unpatentable in a Final Written Decision issued on March 14, 2023, Order issued on May 15, 2023, and Decision Denying Patent Owner's Request for Rehearing of the Final Written Decision issued on September 21, 2023.

**Nature of Judgment:** Final Written Decision under 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73

**Date of Judgment/Order:** Final Written Decision on March 14, 2023, Order on May 15, 2023, and Decision Denying Patent Owner's Request for Rehearing of the Final Written Decision on September 21, 2023.

**Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued:**

Express Mobile, Inc. v. Facebook, Inc., No. 23-1645;

Express Mobile, Inc. v. Facebook, Inc., No. 23-1646;

Express Mobile, Inc. v. GoDaddy.com, LLC, No. 23-2265;

Express Mobile, Inc. v. Facebook, Inc., No. 24-1190; and

Express Mobile, Inc. v. Facebook, Inc., No. 24-1191.

**Issues to be raised on appeal:** Whether substantial evidence supports the Board's determination that claims 1, 2, 5–7, 11, and 12 of the ’044 patent are unpatentable.

**Have there been discussions with other parties relating to settlement of this case?** Yes

**If “yes,” when were the last such discussions?** September 2021 to February 2022

**If “yes,” were the settlement discussions mediated?** No

**If they were mediated, by whom?** N/A

**Do you believe that this case may be amenable to mediation?** No

**Explain:** Based on the current procedural posture of this and other proceedings, mediation is unlikely to be more successful than direct discussions between the parties.

**Provide any other information relevant to the inclusion of this case in the court's mediation program:** N/A

I certify that I filed this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 11th day of December 2023 by filing electronically using the CM/ECF System

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Naveen Modi

Name of Counsel

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/s/ Naveen Modi

Signature of Counsel

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